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Examiner: David E. Odland

REMARKS/ARGUMENTS

Claims 1-10 remain in this application. Claim 1 has been amended. Claim 5 has been canceled.

The Office Action rejected claims 1 through 9 under 35 U.S.C. § 103 as being unpatentable over US Patent No. 5,434,863 to Onishi et al. (the Onishi reference). However, the Onishi reference fails to disclose or suggest the requirements of the claims.

The Onishi reference fails to disclose, *inter alia*, the requirements of claim 1 of, "Dynamic Routing and Control (DRC) driver including a plurality of Application Program Interfaces (API) for interfacing to the main DRC processor." At column 7, lines 3 through 6, the Onishi reference states that, "To the router bus 1 is connected a router manager 1 which has a function of managing the whole system and a function of producing/distributing a routing table and acts as a main processor." The Onishi reference nowhere discloses that the router manager includes APIs for interfacing with a main processor.

In addition, the Onishi reference fails to disclose *inter alia*, the requirements of claim 1 of, "a transport interface for interfacing between said DRC driver APIs and the system transport media, wherein said DRC driver translates message format and routing information between a first protocol used by the main DRC processor and a second protocol used by the transport media." The Office Action states that this feature is disclosed at Figure 1 and columns 7 and 8 stating, "the RM router manager interfaces the router bus for packet transmissions." However, this RM router manager is not a transport interface that translates message format between a first protocol used by the a main DRC processor and a second protocol used by the transport media.

In addition, the Onishi reference fails to disclose, *inter alia*, the requirements of claim 1 of, "a Packet Flow Processor driver (PFP driver) including a plurality of Application Program Interfaces (API) for interfacing to the packet flow processors and designated DRC driver," and "a transport interface for interfacing between said PFP driver APIs and the transport media, wherein the transport interface routes messages from the transport media to the appropriate PFP driver APIs in response to a type of message". At column 8, lines 6 through 9, the Onishi reference states that, "Further, to the router bus 1 can be connected routing accelerators 3 of 1 to 8 modules each of which has a function of performing the routing at high speed." Nowhere is a

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PFP driver with APIs or a transport interface that routes a message to a different PFP driver API in response to a type of message, described by the Onishi reference.

The Office Action agreed partly with the above that the Onishi reference "does not disclose the RM routing manager and the RA routing accelerator further comprise APIs," as stated on page 4. However, the Office Action states that it would have been obvious to modify the Onishi reference to meet the requirements of the claims. The Office Action states on page 3 that the "It would have been obvious to one skilled in the art at the time of the invention to use API's in the system of Onishi because API's are existing software units used by higher layer applications to perform lower layer operations, therefore the use of this existing software would reduce the developmental cost of Onishi since entirely new methods of handling lower layer operations do not need to be created and thus allow Onishi to conform to an established standard."

Applicant respectfully request for a citation to the "existing software units" that disclose or suggest the requirements of claim 1 of "a Dynamic Routing and Control (DRC) driver including a plurality of Application Program Interfaces (API) for interfacing to the main DRC processor; a transport interface for interfacing between said DRC driver APIs and the system transport media, wherein said DRC driver translates message format and routing information between a first protocol used by the main DRC processor and a second protocol used by the transport media; a Packet Flow Processor driver (PFP driver) including a plurality of Application Program Interfaces (API) for interfacing to the packet flow processors and designated DRC driver; a transport interface for interfacing between said PFP driver APIs and the transport driver, wherein the transport interface routes messages from the transport media to the appropriate PFP driver API in response to a type of message; and said DRC driver and said PFP driver transport messages between the main DRC processor and the packet flow processors."

Though APIs may have been used in other types of software, the new and non-obvious use of APIs in a DRC driver and Packet Flow Processor (PFP) driver as further stated in claim 1 is only taught in the present invention. The Onishi reference merely discloses the known methods of system specific IP routers that use proprietary standards and do not lend themselves to being portable to multiple operating environments, as stated in the present application at page

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2, lines 9 and 10. Thus, the only suggestion to add APIs to a DRC driver and PFP driver are found in the present specification and not in the prior art. "The court must be ever alert not to read obviousness into an invention on the basis of the applicant's own statements; that is, we must view the prior art without reading into that art appellant's teachings." *Application of Nomiya*, 184 U.S.P.Q. 607, 612 (Cust. & Pat. App. 1975). The citation of the specification's own teachings to argue obviousness over prior art is improper. *In re Dembiczak*, 175 F.3d 994, 999, (criticizing hindsight syndrome wherein that which only the inventor taught is used against the teacher).

Applicant also requests an explanation of how the addition of API's would not make Onishi more user-friendly or easier to use. Since Onishi uses a system specific implementation, the addition of API's would further complicate its system and be unnecessary. Furthermore, the addition of "API's" as defined in Newton's Dictionary and cited in the Office Action to the teachings of Onishi would not teach or suggest all the requirements of claim 1 of "a Dynamic Routing and Control (DRC) driver including a plurality of Application Program Interfaces (API) for interfacing to the main DRC processor; a transport interface for interfacing between said DRC driver APIs and the system transport media, wherein said DRC driver translates message format and routing information between a first protocol used by the main DRC processor and a second protocol used by the transport media; a Packet Flow Processor driver (PFP driver) including a plurality of Application Program Interfaces (API) for interfacing to the packet flow processors and designated DRC driver; a transport interface for interfacing between said PFP driver APIs and the transport media, wherein the transport interface routes messages from the transport media to the appropriate PFP driver API in response to a type of message; and said DRC driver and said PFP driver transport messages between the main DRC processor and the packet flow processors." As explained above the Onishi reference fails to teach or suggest any of the elements.

The Onishi reference further fails to teach or suggest the requirements of claim 7, of "a Packet Flow Processor (PFP) driver including a plurality of PFP Application Program Interfaces (API) for interfacing to packet flow processors; a framework transport interface for interfacing between said PFP driver APIs and a system transport media, wherein the framework transport

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interface can be configured to support system transport media having a number of different transport protocols and media; a Dynamic Routing and Control (DRC) driver including a plurality of DRC Application Program Interfaces (API) for interfacing to a routing processor; and a transport interface for interfacing between said DRC driver APIs and the system transport media." As explained above, the Onishi reference merely discloses the known methods of system specific IP routers that use proprietary standards and do not lend themselves to being portable to multiple operating environments, as stated in the present application at page 2, lines 9 and 10. Thus, the only suggestion to add APIs to a DRC driver and PFP driver are found in the present specification and not in the prior art. "The court must be ever alert not to read obviousness into an invention on the basis of the applicant's own statements; that is, we must view the prior art without reading into that art appellant's teachings." *Application of Nomiya*, 184 U.S.P.Q. 607, 612 (Cust. & Pat.App. 1975). The citation of the specification's own teachings to argue obviousness over prior art is improper. *In re Dembicza*k, 175 F.3d 994, 999, (criticizing hindsight syndrome wherein that which only the inventor taught is used against the teacher).

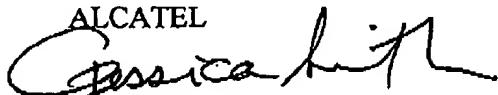
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CONCLUSION

It is believed that the foregoing amendment places the Application in condition for allowance; therefore, Applicant respectfully requests withdrawal of the Examiner's rejection of the claims, and full allowance of same. Should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner contact the undersigned to expeditiously resolve any outstanding issues.

Respectfully submitted,

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